THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL No. 1900 of 2005

17-10-2005

Between:

Ch.Ramanadham.

.....APPELLANT

AND

The Municipality, L.B.Nagar, Saroornagar, rep. by its Commissioner & Others.

.....RESPONDENTS

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL No. 1900 of 2005

JUDGMENT : (Per Hon'ble Sri Bilal Nazki, ACJ)

This writ appeal has been filed against the order of the learned Single Judge passed in writ petition No.9380 of 2002. The writ petitioner filed the petition, seeking a direction that the third floor constructed in plot No.4 in Survey No.25 of Saroornagar by respondent No.3 in the writ petition, be demolished, as that was being constructed without obtaining permission from the Municipality.

In the counter filed by the 2nd respondent-Hyderabad Urban Development Authority, it was stated that the 3rd respondent had sought approval for construction of a residential building, consisting of ground plus two floors and permission was granted to her on 03.11.2001, but she has illegally converted the premises into apartments and raised third floor pillars up to the roof level and the Municipality had issued a show cause notice on 23.03.2002. The 3rd respondent had filed a suit being O.S.No.68 of 2002 before the Principal Junior Civil Judge, East and North, Ranga Reddy District and obtained an injunction on 23.01.2002. In this view of the matter, the learned Single Judge dismissed the writ petition.

Counsel for respondent No.3 categorically stated that they have made construction only in accordance with the permission granted on 03.11.2001 and have only constructed ground plus two floors, but have not constructed the third floor.

In this view of the matter, the writ appeal is disposed of, with a direction to the 1st respondent-Municipality that if there is anything constructed beyond the permission granted on 03.11.2001, they shall be at liberty to demolish the same, in view of the stand taken by respondent No.3 before this Court, not withstanding any orders having been passed by the Civil Court. No order as to costs.

(BILAL NAZKI, ACJ)

17th October 2005.

(R.SUBHASH REDDY, J)

ajr